

California Regional Water Quality Control Board  
Santa Ana Region

**UPDATE TO THE**

December 20, 2004

**AGENDA**

The following items have been excluded from the agenda for the reasons indicated below:

Item No:

- 10 **Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement. Cheryl Gollnick, 25381 Charina Lane, Homeland, Riverside County - APN 457-240-029.** This item has been removed from the Agenda.
- 13 **Waste Discharge Requirements for Century Crowell Communities, Tract 15548, City of Yucaipa.** This item has been postponed.
- 17 **Mandatory Penalties Complaint, Hamid Farsai, Huntington Beach ARCO, 6002 Bolsa Avenue, Huntington Beach.** This item has been postponed to the January 28, 2005 Board Meeting.
- 18 **Mandatory Penalties Complaint, Adams Steel, 3200 East Frontera Avenue, Anaheim.** The discharger waived their right to a hearing. No Board action required.
- 19 **Mandatory Penalties Complaint, Atlantic Richfield Company, Service Station at 5981 Warner Avenue, City of Huntington Beach.** The discharger waived their right to a hearing. No Board action required.
- 20 **Mandatory Penalties Complaint, Bell Industries, 1831 Ritchey Street, Santa Ana.** The discharger waived their right to a hearing. No Board action required.

California Regional Water Quality Control Board  
Santa Ana Region  
Staff Report  
December 20, 2004

**ITEM: 20**

**SUBJECT:** Mandatory Penalties Complaint No. R8-2004-0098 for Bell Industries, 1831 Ritchey Street, Santa Ana, CA – Order No. R8-2004-0115

**BACKGROUND**

On November 16, 2004, the Executive Officer issued Mandatory Penalties Complaint (MPC) No. R8-2004-0098 to Bell Industries (Bell) for alleged violations of the General Groundwater Cleanup Permit, Order No. R8-2002-0007 (General Permit). In the MPC (attached), the Executive Officer proposed an assessment of \$15,000 for the alleged violations.

**INTRODUCTION**

The matter before the California Regional Water Quality Control Board, Santa Ana Region (Board), is to consider adoption of Order No. R8-2004-0115, which affirms MPC No. R8-2004-0098. MPC No. R8-2004-0098 was issued by the Executive Officer to Bell for violations of the General Permit for which the Board must impose mandatory penalties pursuant to California Water Code (Water Code) Section 13385(h).

**DISCUSSION**

Bell's Electronic Systems Division formerly operated a manufacturing and electroplating operation at a site, located at 1831 Ritchey Street, in the City of Santa Ana, California. A groundwater treatment system treats and discharges groundwater to remediate the effects of a chlorinated solvent release at the site that occurred in conjunction with these former facility operations. On January 23, 2002, the Board adopted Waste Discharge Requirements, Order No. 2002-0007 (NPDES No. CAG918001), General Groundwater Cleanup Permit (Permit). The Permit regulates discharges of extracted and treated groundwater resulting from the cleanup of petroleum hydrocarbons and/or solvents within the Santa Ana Region by establishing effluent limits for a number of constituents.

On August 2, 2002, Bell was authorized to discharge treated groundwater resulting from its groundwater treatment system and was required to monitor the discharge in accordance with Monitoring and Reporting Program No. 2002-0007-096.

On October 22, 2003, the Board adopted Order No. R8-2003-0085, which amended maximum daily effluent limit concentrations for a number of compounds, including TBA, and established effluent limits for other chemical constituents, including perchlorate and 1,4-dioxane.

Bell has submitted self-monitoring reports, which show multiple daily maximum and average monthly effluent limit violations for 1,4-dioxane between November 2003 and March 2004. Bell had a total of five violations, each of which is considered serious and subject to a mandatory minimum penalty.

Water Code Section 13385(h) requires the Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each serious violation. In accordance with Water Code Section 13385(h), the mandatory minimum penalties for the five effluent violations cited above are \$15,000.

### **STATEWIDE ENFORCEMENT POLICY**

On February 19, 2002, the State Water Resources Control Board adopted a Revised Water Quality Enforcement Policy to ensure that enforcement actions throughout the State are fair, firm and consistent. The above-described mandatory penalties complaint is in accordance with the State Enforcement Policy.

### **RECOMMENDATION**

Board staff recommends that the Board affirm MPC No. R8-2004-0098 by adopting Order No. R8-2004-0115.

**STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SANTA ANA REGION**

<b>In the matter of:</b>	)	<b>Order No. R8-2004-0115</b>
	)	<b>for</b>
<b>Bell Industries</b>	)	<b>Mandatory Minimum Penalties</b>
<b>1960 E. Grand Avenue</b>	)	
<b>El Segundo, CA 90245</b>	)	
<b><u>Attn: Chuck Troy</u></b>	)	

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter Board), held a hearing on December 20, 2004 to receive testimony and take evidence on the allegations contained in Complaint No. R8-2004-0098, dated November 16, 2004, and on the recommendation for the imposition of mandatory penalties pursuant to Water Code Section 13385 in the amount of \$15,000. The Board finds as follows:

1. On January 23, 2002, the Board adopted Waste Discharge Requirements, Order No. R8-2002-0007 (NPDES No. CAG918001), General Groundwater Cleanup Permit (Permit). The Permit regulates discharges of extracted and treated groundwater resulting from the cleanup of groundwater polluted by petroleum hydrocarbons and/or solvents within the Santa Ana Region. The Permit contains effluent limits for a number of constituents. On August 2, 2002, the Executive Officer authorized Bell Industries (Bell) to discharge treated groundwater from Bell Industries' former facility located at 1831 Ritchey Street in the City of Santa Ana, under the Permit. The discharge from Bell's system is directed to a nearby storm drain, which flows into the Upper Newport Bay, a water of the United States. Bell was required to monitor the discharge in accordance with Monitoring and Reporting Program No. 2002-0007-096.
2. On October 22, 2003, the Board adopted Order No. R8-2003-0085, which amended the maximum daily effluent concentration for a number of compounds, including TBA, and established effluent limits for other chemical constituents, including perchlorate and 1,4-dioxane.
3. Bell has submitted self-monitoring reports, which indicate multiple daily maximum and monthly average effluent violations for 1,4-dioxane between November 2003 and March 2004. All of these violations are considered serious and each one is subject to a mandatory minimum penalty.
4. Water Code Sections 13385(h) and (i) require the Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each serious and/or chronic violation.
5. In accordance with Water Code Section 13385(h), the total mandatory minimum penalties for the effluent limitation violations cited in Section 3, above, are \$15,000.

5. On October 4, 2004, the Executive Officer issued Complaint No. R8-2004-0078 to Bell proposing mandatory minimum penalties of \$33,000 on Bell for the violations cited above. However, during a meeting on October 20, 2004, Bell provided additional information to indicate that there were only 5 serious violations that are subject to the mandatory penalty provisions. On November 16, 2004, the Executive Officer withdrew Complaint No. R8-2004-0078 and issued Complaint No. R8-2004-0098 for \$15,000.
6. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 2100 et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.

**IT IS HEREBY ORDERED** that, pursuant to California Water Code Section 13385, mandatory penalties be imposed on Bell Industries in the amount of \$15,000, as proposed in Complaint No. R8-2004-0098 for the violations cited above, payable as set forth below.

1. Bell shall pay the entire \$15,000 to the State Water Resources Control Board.
2. The Executive Officer is authorized to refer this matter to the Attorney General for enforcement.

Pursuant to Water Code Section 13320, you may petition the State Water Resources Control Board for review of this Order. If you choose to do so, you must submit the petition to the State Board within 30 days of the Regional Board's adoption of this Order.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on December 20, 2004.

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Gerard J. Thibeault  
Executive Officer

**STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SANTA ANA REGION**

<b>IN THE MATTER OF:</b>	)	<b>Complaint No. R8-2004-0098</b>
	)	<b>for</b>
<b>Bell Industries</b>	)	<b>Mandatory Penalties</b>
<b>1960 E. Grand Avenue</b>	)	
<b>Suite 560</b>	)	
<b>El Segundo, CA 90245</b>	)	
<b>Attention: Chuck Troy</b>	)	

**YOU ARE HEREBY GIVEN NOTICE THAT:**


1. Bell Industries (Bell) is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Santa Ana Region (Board) must impose mandatory penalties pursuant to California Water Code (Water Code) Section 13385(h).
2. A hearing concerning this Complaint is scheduled for the Board's regular meeting on December 20, 2004. Bell or its representatives will have an opportunity to appear and be heard, and to contest the allegations in this complaint and the imposition of mandatory penalties by the Board. An agenda announcement and the staff report related to this Complaint will be mailed to you not less than 10 days prior to the hearing date.
3. If the hearing is necessary, the Board will consider whether to affirm, reject or modify the proposed mandatory penalties or whether to refer this matter to the Attorney General for recovery of judicial civil liability.
4. This complaint is based on the following facts:
  - a) Bell's Electronic Systems Division formerly operated a manufacturing and electro-plating operation at a site, located at 1831 Ritchey Street, in the City of Santa Ana, California. A groundwater treatment system treats and discharges groundwater to remediate the effects of a chlorinated solvent release at the site that occurred in conjunction with these former facility operations. On January 23, 2002, the Board adopted Waste Discharge Requirements, Order No. 2002-0007 (NPDES No. CAG918001), General Groundwater Cleanup Permit (Permit). The Permit regulates discharges of extracted and treated groundwater resulting from the cleanup of petroleum hydrocarbons and/or solvents within the Santa Ana Region by establishing effluent limits for a number of constituents.
  - b) On August 2, 2002, Bell was authorized to discharge treated groundwater resulting from its groundwater treatment system and was required to monitor

the discharge in accordance with Monitoring and Reporting Program No. 2002-0007-096.

- c) On October 3, 2003, the Board adopted Waste Discharge Requirements, Order No. 2003-0085 (NPDES No. CAG918001), which amended Order No. 2002-0007. The amended order revised the maximum daily effluent limit concentrations for a number of hydrocarbon and chlorinated solvent constituents and established discharge limits for perchlorate and 1,4-dioxane.
  - d) Bell has submitted self-monitoring reports, which show multiple daily maximum and average monthly effluent limit violations for 1,4-dioxane. These violations are summarized on Attachment "A".
- 5. Water Code Section 13385(h) requires the Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each serious violation.
  - 6. As shown in Attachment "A", Bell had a total of five violations between November 2003 and January 2004. All of these violations are considered serious and each one is subject to mandatory minimum penalties.
  - 7. In accordance with Water Code Section 13385(h), the mandatory minimum penalties for the five effluent violations cited in Section 6, above, are \$15,000.
  - 8. In addition, the Board may also assess administrative civil liability of \$10,000 per day for each day of violation and \$10 per gallon for each gallon discharged in excess of 1,000 gallons in accordance with Water Code Section 13385(c). The maximum administrative civil liability that may be imposed for these violations is \$87,030 (\$30,000 for three days of violation and \$57,030 based on 6,703-1,000=5,703 gallons @ \$10 per gallon).
  - 9. The Executive Officer proposes that mandatory minimum penalties of \$15,000 be imposed on Bell Industries, by the Board, for the violations cited above.
  - 10. You may waive your right to a hearing. If you wish to waive this right, please sign the attached waiver form and return it, along with a check for \$15,000 made payable to the State Water Resources Control Board, and the bottom portion of the invoice, to Sacramento in the enclosed envelope.

If you have any questions regarding this complaint, please contact Ken Williams at (951) 782-4496, or Valerie Jahn-Bull at (951) 782-4903, or the Board's legal counsel, Jorge Leon, at (916) 341-5180.

11-16-04  
Date

  
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Gerard J. Thibeault  
Executive Officer